

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. After amending the claims as set forth above, claims 30-58 are now pending in this application.

Applicants wish to thank the Examiner for the careful consideration given to the claims as well as indicating that claim 11 contains allowable subject matter.

Claim rejection under 35 U.S.C. 112

Claim 21 is rejection 35 U.S.C. 112, second paragraph, as being indefinite. Claim 21 has been canceled, which renders this rejection moot. For at least this reason, favorable reconsideration of the rejection is respectfully requested.

Prior art rejections

Claims 1, 6-9, 20, 24-26, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,105,730 ("Smith"). Claims 2-5, 12-19, 22-23, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of U.S. Patent 6,695,691 ("Le"). Claims 1-9, 12-20, and 22-29 have been canceled, which renders the rejections moot. For at least this reason, favorable reconsideration of the rejections is respectfully requested.

Allowability of claims 30-58

Claim 30 recites, among other things, a control device comprising a frame having at least one passage opening; and a roller-type louver for changing a passage cross section for air flowing through the passage opening. The frame comprises a housing with at least two hollow bodies which are open along longitudinal sides, each hollow body accommodating a drive shaft or a return shaft for the roller-type louver. Each hollow body comprises a longitudinal portion running along a longitudinal axis of the drive shaft or return shaft, a pivotable cover for opening its respective hollow body, and a movable element connecting its respective pivotable cover to its respective longitudinal portion. The longitudinal portion of each hollow body is integrally formed on the housing and the pivotable cover runs along the longitudinal axis of the drive shaft or return shaft. Claim 57 recites similar and/or analogous

features. Smith, Le, or any combination thereof fails to teach or suggest this combination of features.

For instance, Smith does not teach that two hollow bodies each comprise a longitudinal portion running along a longitudinal axis of the drive shaft or return shaft, a pivotable cover for opening its respective hollow body, and a movable element connecting its respective pivotable cover to its respective longitudinal portion; that the longitudinal portion of each hollow body is integrally formed on the housing; or that the pivotable cover runs along the longitudinal axis of the drive shaft or return shaft. The motors 42 and 44 of Smith cannot be considered the pivotable cover of claim 30 or 57 (as suggested in page 2 of the Office Action) because these motors do not run along the longitudinal axis of the drive shaft or return shaft. Thus, Smith does not teach or suggest all the features of claim 30 or 57.

Le does not cure the deficiencies of Smith because Le does not teach a pivotable cover for opening its respective hollow body or a movable element connecting the pivotable cover to its respective longitudinal portion. The sleeve 150 of Le cannot be the pivotable cover of claim 30 or 57 (as suggested in page 3 of the Office Action) because the sleeve of Le does not open a hollow body and is not attached to the longitudinal portion of the hollow body by a movable element. Additionally, the sleeve 150 cannot be the hollow body of claim 30 or 57 because it does not have a movable element connecting a pivotable cover to a longitudinal portion. Because no combination of Smith and Le teaches or suggests hollow body with a longitudinal portion running along a longitudinal axis of the drive shaft or return shaft, a pivotable cover for opening its respective hollow body, and a movable element connecting its respective pivotable cover to its respective longitudinal portion. Claims 30 and 57 are allowable over the prior art.

Claims 31-56 depend from and contain all the features of claim 30, and are allowable for the same reasons as claim 30, without regard to the further patentable features contained therein.

Claim 58 recites, among other things, a control device comprising a frame having at least one passage opening and a roller-type louver for changing a passage cross section for air flowing through the passage opening. A roller band is guided in two layers past the at least one passage opening, wherein openings or cutouts are distributed on the roller band such that, when the at least one passage opening is closed, each layer of the roller band covers

approximately half of the passage opening. The passage opening is opened by the two layers of the roller band moving in opposite directions and opening up the passage opening from the center outward. Smith, Le, or any combination thereof fails to teach or suggest this combination of features because neither discloses the claimed roller band. Thus, claim 58 is allowable over the prior art.

For at least these reasons, allowance of claims 30-58 is respectfully requested.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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